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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,

USA Capital Realty Advisors, LLC,¹

USA Capital Diversified Trust Deed Fund,
LLC,

USA Capital First Trust Deed Fund, LLC,²

USA Securities, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☒ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**Status And Agenda For December 18,
2009 Hearing filed by USACM
Liquidating Trust**

Hearing Date: December 18, 2009
Hearing Time: 1:30 p.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

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2 **2. Objection to Claim 10725-01162 of Securities and Exchange**
3 **Commission: 06-10725-lbr, USA Commercial Mortgage Company**

4 **Objection Filed:** Objection to Claim 10725-01162 of Securities and Exchange
5 03/27/2009 Commission in the amount of unknown filed by JOHN
6 HINDERAKER on behalf of USACM LIQUIDATING TRUST
7 [6979]

8 **Status** Counsel for the SEC contacted counsel for the USACM Trust to
9 explain that the SEC process for getting authorization to withdraw
10 the claim has taken longer than expected. At the hearing, the
11 Trust will ask the court to continue this matter to January 11, 2010
12 to give the SEC time to complete the process.

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14 **3. Objection to Claim 10725-00862 and 10725-01761 of Frank Snopko**
15 **Trustee Of The Snopko 1981 Trust Dated 10/27/81 in the amount of 10725-00862**
16 **for \$200,000 and 10725-01761 for \$250,000 for Lack of Documentation: 06-10725-**
17 **lbr, USA Commercial Mortgage Company**

18 **Objection Filed:** Objection to Claim 10725-00862 and 10725-01761 of Frank
19 10/16/2009 Snopko Trustee Of The Snopko 1981 Trust Dated 10/27/81 in the
20 amount of 10725-00862 for \$200,000 and 10725-01761 for
21 \$250,000 for Lack of Documentation Filed by JOHN
22 HINDERAKER on behalf of USACM LIQUIDATING TRUST
23 [7657]

24 **Status** No response filed. The USACM Trust will ask the Court to
25 sustain the objection.
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2 **4. Objection to Claim 10725-01527 of Christine Miller in the amount of**
3 **an unliquidated:** 06-10725-lbr, USA Commercial Mortgage Company

4 **Objection Filed:** 10/16/2009
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Objection to Claim 10725-01527 of Christine Miller in the
amount of an unliquidated amount Filed by JOHN
HINDERAKER on behalf of USACM LIQUIDATING TRUST
[7659]

Status No response filed. The USACM Trust will ask the Court to
sustain the objection.

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12 **5. Objection to Claim 10725-00575 of Lynda Stewart in an unliquidated**
13 **amount for Lack of Documentation:** 06-10725-lbr, USA Commercial Mortgage
14 Company

15 **Objection Filed:** 10/16/2009
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Objection to Claim 10725-00575 of Lynda Stewart in the amount
of an unliquidated amount for Lack of Documentation Filed by
JOHN HINDERAKER on behalf of USACM LIQUIDATING
TRUST [7662]

Status No response filed. The USACM Trust will ask the Court to
sustain the objection.

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21 **6. Objection to Claim 10725-00516 of Community Bank of Nevada in the**
22 **amount of \$461,170.32:** 06-10725-lbr, USA Commercial Mortgage Company

23 **Order Filed:** 06/02/2009
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Objection to Claim 10725-00516 of Community Bank of Nevada
in the amount of \$461,170.32 filed by JON MAXWELL
BEATTY on behalf of USACM LIQUIDATING TRUST [7174]

Status Counsel is ready to proceed.

1 **7. Status Hearing Re: Amended Complaint:** Adv. 08-01058-lbr USACM
2 Liquidating Trust v. Los Valles Land & Golf, LLC et al.: Lead case: 06-10725-lbr USA
3 Commercial Mortgage Company

4 **3/13/08:** Amended Complaint of USACM Liquidating Trust Against Los
5 Valles Land & Golf and Dan S. Palmer, Jr.,

6 **Status** Counsel for the Trust is ready to proceed
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10 **8. Renewed Motion for Summary Judgment [DE 97] as to Defendants'**
11 **Nine Unresolved Affirmative Defenses:** Adv. 08-01058-lbr USACM Liquidating Trust
12 v. Los Valles Land & Golf, LLC et al.: Lead case: 06-10725-lbr USA Commercial
Mortgage Company

13 **Motion Filed:** Renewed Motion for Summary Judgment [DE 40] as to
14 10/16/2009 Defendants' Nine Unresolved Affirmative Defenses Filed by
15 JOHN HINDERAKER on behalf of USACM LIQUIDATING
TRUST [97]

16 **Order Entered:** Order Rescheduling Renewed Motion For Summary Judgment
17 1027/2009 And Setting Status hearing [DE 102]

18 **Status** Counsel for the Trust is ready to proceed.
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20 **10. Amended First Omnibus Objection Of USACM Trust To Proofs Of**
21 **Claim Based Upon Investment In The Rio Rancho Executive Plaza, LLC Loan:**
22 06-10725-lbr, USA Commercial Mortgage Company

23 **Objection Filed:** Amended First Omnibus Objection Of USACM Trust To Proofs
24 09/24/2009 Of Claim Based Upon Investment In The Rio Rancho Executive
25 Plaza, LLC Loan Filed by MARVIN C. RUTH on behalf of
USACM LIQUIDATING TRUST [7564]

26 **Status** No response filed. The USACM Trust will ask the Court to
sustain the objection.

11. Objection Of The USACM Liquidating Trust To Proofs Of Claim Filed By Barry J. Goldstein, Patricia Goldstein And Capital Mortgage Investors, Inc. For Lack Of Documentation: 06-10725-lbr, USA Commercial Mortgage Company

Objection Filed: 10/29/2009 Objection Of The USACM Liquidating Trust To Proofs Of Claim Filed By Barry J. Goldstein, Patricia Goldstein And Capital Mortgage Investors, Inc. For Lack Of Documentation Filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [7753]

Status No response filed. The USACM Trust will ask the Court to sustain the objection.

12. Objection Of USACM Liquidating Trust To Double Counted Claims Filed By The McQuerry Family Trust: 06-10725-lbr, USA Commercial Mortgage Company

Objection Filed: 11/13/2009 Objection Of USACM Liquidating Trust To Double Counted Claims Filed By The McQuerry Family Trust Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [7776]

Status No response filed. The USACM Trust will ask the Court to sustain the objection.

1 **13. USACM Liquidating Trusts First Omnibus Objection To Allowance**
2 **Of Proofs Of Claim Based Upon Investment In The Beastar Loan:** 06-10725-lbr
3 USA Commercial Mortgage Company

4 **Objection Filed:** USACM Liquidating Trusts First Omnibus Objection To
5 11/17/2009 Allowance Of Proofs Of Claim Based Upon Investment In The
6 Beastar Loan Filed by JOHN HINDERAKER on behalf of
USACM LIQUIDATING TRUST [7792]

7 **Status** No response filed. The USACM Trust will ask the Court to
8 sustain the objection.

9 **14. USACM Liquidating Trust's Second Omnibus objection to Allowance**
10 **of Proofs of Claim Based in Whole or in Part, Upon Investment in the Beastar**
11 **Loan:** 06-10725-lbr USA Commercial Mortgage Company

12 **Objection Filed:** USACM Liquidating Trust's Second Omnibus objection to
13 11/17/2009 Allowance of Proofs of Claim Based in Whole or in Part, Upon
14 Investment in the Beastar Loan Filed by JOHN HINDERAKER
on behalf of USACM LIQUIDATING TRUST [7795]

15 **Status** No response filed. The USACM Trust will ask the Court to
16 sustain the objection.

17 **15. USACM Liquidating Trust's Third Omnibus objection to Allowance**
18 **of Proofs of Claim Based in Whole or in Part, Upon Investment in the Beastar**
19 **Loan:** 06-10725-lbr USA Commercial Mortgage Company

20 **Objection Filed:** USACM Liquidating Trust's Third Omnibus objection to
21 11/17/2009 Allowance of Proofs of Claim Based in Whole or in Part, Upon
22 Investment in the Beastar Loan Filed by JOHN HINDERAKER
on behalf of USACM LIQUIDATING TRUST [7797]

23 **Status** No response filed. The USACM Trust will ask the Court to
24 sustain the objection.
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1 **16. USACM Liquidating Trust's First Omnibus Objection to Allowance**
2 **of Proofs of Claim Based Upon Investment in the Beau Rivage Homes Loan: 06-**
3 **10725-lbr USA Commercial Mortgage Company**

4 **Objection Filed:** USACM Liquidating Trust's First Omnibus Objection to
5 11/18/2009 Allowance of Proofs of Claim Based Upon Investment in the
6 Beau Rivage Homes Loan Filed by JOHN HINDERAKER on
behalf of USACM LIQUIDATING TRUST [7800]

7 **Status** No response filed. The USACM Trust will ask the Court to
8 sustain the objection.

9 **17. USACM Liquidating Trust's Second Omnibus Objection to Allowance**
10 **of Proofs of Claim Based, In Whole, Or in Part, Upon Investment in the Beau**
11 **Rivage Homes Loan: 06-10725-lbr USA Commercial Mortgage Company**

12 **Objection Filed:** USACM Liquidating Trust's Second Omnibus Objection to
13 11/18/2009 Allowance of Proofs of Claim Based, In Whole, Or in Part, Upon
14 Investment in the Beau Rivage Homes Loan Filed by JOHN
HINDERAKER on behalf of USACM LIQUIDATING TRUST
[7802]

15 **Status** No response filed. The USACM Trust will ask the Court to
16 sustain the objection.

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18 **18. USACM Liquidating Trust's Third Omnibus Objection to Allowance**
19 **of Proofs of Claim Based, In Whole or In Part, Upon Investment in the Beau**
Rivage Homes Loan: 06-10725-lbr USA Commercial Mortgage Company

20 **Objection Filed:** USACM Liquidating Trust's Third Omnibus Objection to
21 11/18/2009 Allowance of Proofs of Claim Based, In Whole or In Part, Upon
22 Investment in the Beau Rivage Homes Loan with Certificate of
23 Service Filed by JOHN HINDERAKER on behalf of USACM
LIQUIDATING TRUST [7804]

24 **Status** No response filed. The USACM Trust will ask the Court to
25 sustain the objection.
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1 **19. Objection to Claim of in the amount of USACM Liquidating Trust's**
2 **Fourth Omnibus objection to Allowance of Proofs of Claim Based, In Whole or In**
3 **Part, Upon Investment in the Beau Rivage Homes Loan: 06-10725-lbr USA**
4 **Commercial Mortgage Company**

5 **Objection Filed:** USACM Liquidating Trust's Fourth Omnibus objection to
6 11/18/2009 Allowance of Proofs of Claim Based, In Whole or In Part, Upon
7 Investment in the Beau Rivage Homes Loan Filed by JOHN
8 HINDERAKER on behalf of USACM LIQUIDATING TRUST
9 [7806]

10 **Status** No response filed. The USACM Trust will ask the Court to
11 sustain the objection.

12 Dated December 15, 2009.

13 **LEWIS AND ROCA LLP**

14 By: /s/ John Hinderaker, AZ 18024
15 Rob Charles, NV 6593
16 John Hinderaker, AZ 18024 (*pro hac vice*)
17 *Counsel for USACM Liquidating Trust*

18 **PROOF OF SERVICE**

19 COPY of the aforementioned sent via e-
20 mail or U.S. First Class Mail postage
21 prepaid on December 15, 2009 to the
22 parties listed on Post-Effective Official
23 Service List for Limited Notice No. 5
24 Dated March 31, 2009.

25 /s/ Leilani Lista
26 Leilani Lista